

HOUSE BILL 271

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)**
Introduced and read first time: January 23, 2008
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Review Committees**

3 FOR the purpose of altering the definition of medical review committee to include the
4 Maryland Health Care Commission or its staff when performing certain
5 functions and under certain circumstances; and generally relating to medical
6 review committees.

7 BY repealing and reenacting, with amendments,
8 Article – Health Occupations
9 Section 1–401(a) and (b)
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Health Occupations
14 Section 1–401(c)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2007 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Health Occupations**

20 1–401.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) (i) “Alternative health care system” means a system of health
23 care delivery other than a hospital or related institution.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) “Alternative health care system” includes:
- 2 1. A health maintenance organization;
- 3 2. A preferred provider organization;
- 4 3. An independent practice association;
- 5 4. A community health center that is a nonprofit,
6 freestanding ambulatory health care provider governed by a voluntary board of
7 directors and that provides primary health care services to the medically indigent;
- 8 5. A freestanding ambulatory care facility as that term
9 is defined in § 19–3B–01 of the Health – General Article; or
- 10 6. Any other health care delivery system that utilizes a
11 medical review committee.

12 (3) “Medical review committee” means a committee or board that:

- 13 (i) Is within one of the categories described in subsection (b) of
14 this section; and
- 15 (ii) Performs functions that include at least one of the functions
16 listed in subsection (c) of this section.

17 (4) (i) “Provider of health care” means any person who is licensed
18 by law to provide health care to individuals.

19 (ii) “Provider of health care” does not include any nursing
20 institution that is conducted by and for those who rely on treatment by spiritual
21 means through prayer alone in accordance with the tenets and practices of a
22 recognized church or religious denomination.

23 (5) “The Maryland Institute for Emergency Medical Services Systems”
24 means the State agency described in § 13–503 of the Education Article.

25 (6) **“THE MARYLAND HEALTH CARE COMMISSION” MEANS THE**
26 **STATE AGENCY DESCRIBED IN § 19–103 OF THE HEALTH – GENERAL ARTICLE.**

27 (b) For purposes of this section, a medical review committee is:

28 (1) A regulatory board or agency established by State or federal law to
29 license, certify, or discipline any provider of health care;

1 (2) A committee of the Faculty or any of its component societies or a
2 committee of any other professional society or association composed of providers of
3 health care;

4 (3) A committee appointed by or established in a local health
5 department for review purposes;

6 (4) A committee appointed by or established in the Maryland Institute
7 for Emergency Medical Services Systems;

8 (5) A committee of the medical staff or other committee, including any
9 risk management, credentialing, or utilization review committee established in
10 accordance with § 19–319 of the Health – General Article, of a hospital, related
11 institution, or alternative health care system, if the governing board of the hospital,
12 related institution, or alternative health care system forms and approves the
13 committee or approves the written bylaws under which the committee operates;

14 (6) A committee or individual designated by the holder of a pharmacy
15 permit, as defined in § 12–101 of this article, that performs the functions listed in
16 subsection (c) of this section, as part of a pharmacy’s ongoing quality assurance
17 program;

18 (7) Any person, including a professional standard review organization,
19 who contracts with an agency of this State or of the federal government to perform any
20 of the functions listed in subsection (c) of this section;

21 (8) Any person who contracts with a provider of health care to perform
22 any of those functions listed in subsection (c) of this section that are limited to the
23 review of services provided by the provider of health care;

24 (9) An organization, established by the Maryland Hospital
25 Association, Inc. and the Faculty, that contracts with a hospital, related institution, or
26 alternative delivery system to:

27 (i) Assist in performing the functions listed in subsection (c) of
28 this section; or

29 (ii) Assist a hospital in meeting the requirements of § 19–319(e)
30 of the Health – General Article;

31 (10) A committee appointed by or established in an accredited health
32 occupations school;

33 (11) An organization described under § 14–501 of this article that
34 contracts with a hospital, related institution, or health maintenance organization to:

35 (i) Assist in performing the functions listed in subsection (c) of
36 this section; or

1 (ii) Assist a health maintenance organization in meeting the
2 requirements of Title 19, Subtitle 7 of the Health – General Article, the National
3 Committee for Quality Assurance (NCQA), or any other applicable credentialing law
4 or regulation;

5 (12) An accrediting organization as defined in § 14–501 of this article;

6 (13) A Mortality and Quality Review Committee established under §
7 5–801 of the Health – General Article; [or]

8 (14) A center designated by the Maryland Health Care Commission as
9 the Maryland Patient Safety Center that performs the functions listed in subsection
10 (c)(1) of this section; **OR**

11 **(15) THE MARYLAND HEALTH CARE COMMISSION OR ITS STAFF,**
12 **WHEN PERFORMING THE FUNCTIONS LISTED IN SUBSECTION (C)(1) OR (2) OF**
13 **THIS SECTION, PROVIDED THAT THE DATA OR MEDICAL INFORMATION UNDER**
14 **REVIEW IS FURNISHED TO THE MARYLAND HEALTH CARE COMMISSION BY**
15 **ANOTHER MEDICAL REVIEW COMMITTEE.**

16 (c) For purposes of this section, a medical review committee:

17 (1) Evaluates and seeks to improve the quality of health care provided
18 by providers of health care;

19 (2) Evaluates the need for and the level of performance of health care
20 provided by providers of health care;

21 (3) Evaluates the qualifications, competence, and performance of
22 providers of health care; or

23 (4) Evaluates and acts on matters that relate to the discipline of any
24 provider of health care.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2008.